

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | 4:06CR3057 |
| v. |) | |
| |) | |
| CEDRIC PAYNE, |) | |
| |) | MEMORANDUM AND ORDER |
| Defendant. |) | |
| |) | |

Defendant has moved for a continuance of his trial, stating that the parties are still considering plea agreement proposals. I shall grant the motion.

As consideration of plea negotiations is a necessary part of trial preparation, and because the government has apparently only recently proposed terms of settlement, and also because the defendant has concurred in the request for additional time, I shall exclude the time granted by this motion from the calculation of time required by the Speedy Trial Act, 18 U.S.C. 3161, et seq. See, Zedner v. United States, ___ S.Ct. ___, 2006 WL 1519360 (U.S., June 05, 2006).

IT THEREFORE HEREBY IS ORDERED:

1. The motion, filing 16, is granted, and trial is continued to 9:00 a.m. on July 10, 2006 before the Honorable Richard G. Kopf, United States District Judge in Courtroom 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be held at commencement of trial.

2. The time between the filing of the motion and July 10, 2006 is excluded from the calculation of time required by the Speedy Trial Act, because trial preparation includes a reasonable amount of time to consider possible settlement options. Failure to grant the continuance would unreasonably deny counsel for the

defendant adequate time to reasonably prepare effectively for trial, taking into consideration due diligence. 18 U.S.C. § 3161(h)(8)(A) and (B)(iv). The ends of justice served by granting the defendant's request for additional time to meet his need for counsel who is prepared for trial therefore outweigh the best interests of the public and the defendant in a speedy trial.

DATED this 7th day of June, 2006.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge